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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,454	02/17/2004	Wayne M. Adams	BEAS-01432US1	1402
23910	7590	02/21/2007		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER WONG, NOBLE S	
			ART UNIT 2173	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/780,454	ADAMS ET AL.	
	Examiner	Art Unit	
	Noble S. Wong	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/25/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 100, 106, and 108.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 11). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 11-20, although the preambles of the claims recite “a system,” the body of the claims include only software program[s] such as “a process interface,” “a difference engine,” “threading model,” and “a user interface.” Claims 11-20 neither include any computer hardware component(s) nor positively recite that the cited software programs are stored on a computer medium that can be read by a machine. As such, claims 11-20 are directed toward software per se, which is non-functional descriptive material and non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Soares et al. (VersionWeb: A Tool for Helping Web page Version Control).

As to independent claim 1, Soares et al. teach a method for propagating an application wherein the application includes a plurality of components (i.e. pages comprising a Web site, p. 1), said method comprising:

- selecting a destination environment (i.e. to a WWW server, see 1st paragraph, p. 3);

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- propagating the components from a source environment to the destination environment according to a set of rules (i.e. VersionWeb offers options or rules for users access CVS operations to manipulate files, see p. 6 and 7); and
- wherein the propagation of at least two of the components can be performed in parallel (i.e. a cooperation of authors can update the pages, see last paragraph, p. 1).

As to claim 2, Soares et al. teach the method of claim 1 wherein: the application can be a web application (i.e. Web pages).

As to claim 3, Soares et al. teach the method of claim 1 wherein: the plurality of components can include at least one of: binary files, J2EE (Enterprise Java) applications, .Net applications, LDAP information, distributed objects, libraries, configuration files, information in databases including database records, Java Archives (JARs), XML (Extensible Markup Language) documents, and HTML (Hypertext Markup Language) documents {i.e. documents Web pages support, as one skilled in the art can appreciate to be XML, HTML, Java, etc.}.

As to claim 4, Soares et al. teach the method of claim 1 wherein: the plurality of components can be distributed on a plurality of source operating environments (i.e. to multiple authors, see last paragraph, p. 1).

As to claim 5, Soares et al. teach the method of claim 1 wherein: a rule in the set of rules can determine whether the source environment or the destination environment take precedence (i.e. “commit of a local checkout” for uploading source environment updates to the destination or “local checkout” for getting destination environment updates to the source environment, see p. 6).

As to claim 6, Soares et al. teach the method of claim 1, further comprising: providing a user interface; and wherein the user interface can initiate the propagation (i.e. see Figure 5).

As to claim 7, Soares et al. teach the method of claim 6 wherein: the user interface provides a first user interface to allow a user to create one or more rules in the set of rules (i.e. the management of users by an Administrator can limit or extend the rights of groups, see p. 7 and 8).

As to claim 8, Soares et al. teach the method of claim 6 wherein: the user interface provides a first user interface to allow a user to preview the changes that will take place in the destination environment (i.e. to show visually the differences between two versions using “Diffs”, see p. 7).

As to claim 9, Soares et al. teach the method of claim 1, further comprising: providing a process interface to allow a process to initiate the propagation (i.e. VersionWeb is installed on the server, in other words, a process that is running on the server that facilitates file updating and versioning, see 2nd paragraph, p. 2).

As to claim 10, Soares et al. teach the method of claim 1 wherein: the source and/or destination environment can include a plurality of computing devices (i.e. to/from multiple authors on different systems, see last paragraph, p. 1).

As to claim 11, Soares et al. teach system for propagating an application wherein the application includes a plurality of components (i.e. pages comprising a Web site, p. 1), said system comprising:

- a process interface operable to accept propagation requests (i.e. from a user, see Figure 5);
- a difference engine operable to propagate the components from a source environment to a destination environment according to a set of rules (VersionWeb offers options or rules for users access CVS operations to manipulate files, see p. 6 and 7);
- threading model operable to instantiate instances of the difference engine (i.e. VersionWeb uses CVS to allow simultaneous access to a file, see 2nd paragraph, p. 2); and

- wherein the propagation of at least two of the components can be performed in parallel (i.e. a cooperation or multitude of authors can update and access the Web page components, see last paragraph, p. 1).

As to claim 12, Soares et al. teach the system of claim 11 wherein: the process interface can accept a request to perform propagation (i.e. from a user, see Figure 5).

As to claim 13, Soares et al. teach the system of claim 11 wherein: the application can be a web application (i.e. Web pages).

As to claim 14, Soares et al. teach the system of claim 11 wherein: the plurality of components can include at least one of: binary files, J2EE (Enterprise Java) applications, .Net applications, LDAP information, distributed objects, libraries, configuration files, information in databases including database records, Java Archives (JARs), XML (Extensible Markup Language) documents, and HTML (Hypertext Markup Language) documents {i.e. documents Web pages support, as one skilled in the art can appreciate to be XML, HTML, Java, etc.}.

As to claim 15, Soares et al. teach the system of claim 11 wherein: the plurality of components can be distributed on a plurality of source operating environments (i.e. to multiple authors, see last paragraph, p. 1).

As to claim 16, Soares et al. teach the system of claim 11 wherein: a rule in the set of rules can determine whether the source environment or the destination environment take precedence (i.e. “commit of a local checkout” for uploading source environment updates to the destination or “local checkout” for getting destination environment updates to the source environment, see p. 6).

As to claim 17, Soares et al. teach the system of claim 11, further comprising: a user interface; and wherein the user interface can initiate the propagation (i.e. see Figure 5).

As to claim 18, Soares et al. teach the system of claim 17 wherein: the user interface provides a first user interface to allow a user to create one or more rules in the set of rules (i.e. the management of users by an Administrator can limit or extend the rights of groups, see p. 7 and 8).

As to claim 19, Soares et al. teach the system of claim 17 wherein: the user interface provides a first user interface to allow a user to preview the changes that will take place in the destination environment (i.e. to show visually the differences between two versions using "Diffs", see p. 7).

As to claim 20, Soares et al. teach the system of claim 17 wherein: the source and/or destination environment can include a plurality of computing devices (i.e. to/from multiple authors on different systems, see last paragraph, p. 1).

As to claims 21-30, claims 21-30 differ from claims 1-10 only in that claims 21-30 are machine readable medium (i.e. stored in server memory) type claims where as claims 1-10 are method claims. Thus, claims 21-30 are analyzed as previously discussed with respect to claims 1-10 above.

Conclusion

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach file updating due to different component versions in a threaded environment.


Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noble S. Wong whose telephone number is (571) 270-1044. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Noble Wong
2/15/07



Kieu D. Vu
Primary Examiner